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76615 7590 05/15/2012 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER BOYCE, ANDRE D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/697,907

Applicant(s)

CAPLAN ET AL.

Examiner

ANDRE BOYCE

Art Unit

3623

Period for Reply -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2012.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 78-80,84,85,87-107,111,112 and 114-142 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 78-80,84,85,87-107,111,112 and 114-142 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/6/12 has been entered.
2. Claim 78 has been amended. Claims 78-80, 84, 85, 87-107, 111, 112 and 114-142 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 78-80, 84, 85 and 87-104 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claim 78 has been amended to recite "output of team development module being an input of the strategy situation analysis module," "output of the strategy situation analysis module being an input to the data request and reception module," "output of the data request and reception module being an input to the data transformation and cleansing module," "output of the data transformation and cleansing module being an input to the decision key and intermediate variable creation module," "output of the decision key and intermediate variable creation module being an input to the data exploration module," "output of the data exploration module being an input to the decision model structuring module," "output of the decision model structuring module being an input to the decision model quantification module," "output of the decision model quantification module being an input to the strategy creation module," and "output of the strategy creation module being an input to the strategy testing module."

However, the specification (page 16, lines 5-18) merely recites that each module "passes control" to the next module, not that output from a previous module is input to the next module.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 132-142 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 132 recites "[a] system for the creation and evaluation of strategies..." in line 1, then goes on to recite "wherein each module of the plurality of modules is implemented by at least one data processor of one or more computing systems" in the last line.

It is unclear whether the "systems" in the last line are the same as the "system" in line 1, or if Applicant is attempting to define the "system" by other "systems." Clarification is required.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 78-80, 84, 85, 87-97, 99-107, 111, 112, 114-124 and 126-142 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gronau et al (US 2003/0069869), in view of Sanders (USPN 6,411,936), in view of Zarb (US 2004/0039619).

As per claim 78, Gronau et al disclose an iterative computer-implemented method for creating and evaluating strategies (i.e., development of a strategic plan through execution of a sequence of steps using a computer processor, ¶ 0014), comprising: providing a plurality of modules for the creation and evaluation of strategies (i.e., block diagram comprised of modules, figure 1), each strategy representing a set of rules specifying a course of action to take for a decision out of one or more decisions (i.e., a strategy for achieving each objective is developed and

broken into activates or tasks and resource requirements, ¶ 0075), the plurality of modules comprising: a team development module for developing a list of components of a strategy modeling team (i.e., strategy for achieving each objective is developed and broken into activates or tasks and resource requirements, ¶ 0075); a strategy situation analysis module for framing a decision situation (i.e., applying the computer aided strategic planning to preset rules and values to articulate a vision, develop goals in multiple domains and define objectives, ¶ 0020), the framing comprising identifying parameters of the decision (i.e., goals relative to application specific domains, including objectives for each goal and action plans for each objective, ¶ 0069), output of team development module being an input of the strategy situation analysis module; a data request and reception module for designing and executing logistics of specifying, acquiring, and loading data required for the decision and modeling of the strategy, the data request and reception module further constructing a data dictionary characterizing received data (i.e., rules based programming used by the expert system, including the data which causes the rule to be applicable, ¶ 0064, wherein resources required can be quantitative or qualitative, and the user is instructed, through data input limitations, to use the same categories used in the profile builder and the creation of the resources (8) database, ¶ 0076), output of the strategy situation analysis module being an input to the data request and reception module; a data transformation and cleansing module for verifying the data, and transforming the data into a form that is used to build quantitative models used to develop the strategies (i.e., rules based programming used by the expert

system, including the data which causes the rule to be applicable, ¶ 0064); a decision model quantification module for encoding information into a decision model (i.e., rules, policies, axioms, values, priorities 3, figure 1), output of the decision model structuring module being an input to the decision model quantification module; a strategy creation module for determining strategies that a client can test (i.e., goals 5, objectives 6 and action plans 7, figure 1), output of the decision model quantification module being an input to the strategy creation module; and a strategy testing module for testing strategies to guide refinement of strategies and refinement of a decision model and to select a best strategy for deployment (i.e., measurement and assessment 15, figure 1), output of the strategy creation module being an input to the strategy testing module; each module of the plurality of modules occurring in a predetermined sequence of the plurality of modules such that each module occurs once in the predetermined sequence, wherein output of each module of the predetermined sequence is an input of a next module in the predetermined sequence until control is passed to a last sequential module in the predetermined sequence (i.e., a long range/strategic plan through the execution of a sequence of steps in a process, connected through a relational database and computerized expert system, wherein the process comprises the steps of identifying a vision in at least one domains, identifying goals and objectives that support the vision, developing action plans and resources required to implement such plans, and assessing consistency, pragmatism and alignment of actions, ¶ 0014) wherein each module of the predetermined sequence interacts with an expert task manager,

wherein said expert task manager provides expert knowledge about strategy modeling processes to the modules (i.e., computer aided strategic planning expert system uses knowledge an difference procedures of an expert strategic planner, ¶ 0054), and executing the modules using at least one data processor forming part of a computer system (¶ 0014).

Gronau et al does not disclose a decision key and intermediate variable creation module for computing intermediate variables from the data, each intermediate variable of the intermediate variables encapsulating dependent variables, independent variables and decision keys, each intermediate variable containing a model that maps values of nodes it depends on to values it can take on, each intermediate variable encapsulating a predictive model that with a dependent variable and independent variables, output of the data transformation and cleansing module being an input to the decision key and intermediate variable creation module.

Sanders discloses future values of variables can be determined by some existing enterprise models which include flow relationships, causal relationships, compositional relationships and productivity relationships besides reasoning and reconciliation to create a realistic model of an enterprise (column 5, lines 36-40), including creating a value enhancement model of the enterprise based on planning loop structures, the planning loop structures each being a dynamic frame-based model, continuously updating and refining the value enhancement model of the enterprise, and providing a set of causals, logical explanations, and reconciliation

rules to cross-link types of enterprise activities to causals, functions, and solutions, and accepting input pertaining to an account to determine key solutions for value enhancement as relevant to the account, applying the account specific information to the set of reconciliation rules of linkages between types, causals, functions and solutions, and providing a set of variable solutions customized for at least one of specific target customer accounts (column 7, lines 41-65).

Neither Gronau et al nor Sanders disclose a data exploration module for determining the effectiveness of each intermediate variable of the intermediate variables and each decision key of the decision keys, output of the decision key and intermediate variable creation module being an input to the data exploration module; a decision model structuring module for formalizing relationships between the one or more decisions, the decision keys, the intermediate variables, value variables representing a function to be maximized, and constraint variables representing limits on the strategies, to obtain a decision model with a specific structure, output of the data exploration module being an input to the decision model structuring module.

Zarb discloses selecting a set of predetermined or predefined formulas and/or attributes (i.e., variables) for use in the analysis of a strategy, role, process or asset. Creating a new benchmarking mode may include establishing one or more formulas and/or attributes for use in the analysis. Once a new benchmarking mode is created, it can be added to the library for later use or selection. A default benchmarking mode may include a set of predetermined or predefined formulas (i.e., functions) and/or attributes and may be one of the benchmarking modes included in the library of

benchmarking modes (§ 0068). In addition, Zarb discloses identification of a process during the step 126 may include gathering additional information regarding attributes of the process such as, for example: (1) the number of people for or within the role that perform the process; (2) the number of people it takes to perform one instance of the process. These attributes provide the needed variables to understand productivity and forecast throughput improvements (§ 0082).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a decision key and intermediate variable creation module for computing intermediate variables from the data, each intermediate variable of the intermediate variables encapsulating dependent variables, independent variables and decision keys, each intermediate variable containing a model that maps values of nodes it depends on to values it can take on, each intermediate variable encapsulating a predictive model that with a dependent variable and independent variables; a data exploration module for determining the effectiveness of each intermediate variable of the intermediate variables and each decision key of the decision keys; a decision model structuring module for formalizing relationships between the one or more decisions, the decision keys, the intermediate variables, value variables representing a function to be maximized, and constraint variables representing limits on the strategies, to obtain a decision model with a specific structure in Gronau et al, as seen in Sanders and Zarb, respectively, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 79, Gronau et al disclose said strategy modeling team executing analysis to allow a leader of said strategy modeling team to convince a decision maker to implement a strategy favored by said analysis (i.e., resource enablers allowing strategy to move forward, figure 1).

As per claim 80, Gronau et al disclose identifying the values of the organization; and ensuring that the right decisions and strategies are considered in an analysis (i.e., applying the computer aided strategic planning to preset rules and values to articulate a vision, develop goals in multiple domains and define objectives, ¶ 0020).

As per claim 84, Gronau et al disclose providing insight into said data by determining which decision keys are most relevant for predicting said intermediate variables; and gaining insight into a customer's business and business processes (i.e., rules, policies, axioms, values, priorities 3, figure 1).

As per claim 85, Gronau et al disclose formalizing relationships between decisions, decision keys, intermediate variables, and value by connecting such in a model (i.e., rules, policies, axioms, values, priorities 3, figure 1).

As per claim 87, Gronau et al disclose applying optimization methods to a decision model to determine an optimal strategy for a set of cases (i.e., rules, policies, axioms, values, priorities 3, figure 1).

As per claim 88, Gronau et al disclose evolving using results from a decision model being enriched and from strategies tested (i.e., measurement and assessment 15, figure 1).

As per claim 89, Gronau et al disclose providing means for evaluating each strategy based on simulation; and providing means for evaluating a strategy in the field (i.e., measurement and assessment 15, figure 1).

As per claim 90, Gronau et al disclose beginning with a simplified value model having less than eight drivers (i.e., applying the computer aided strategic planning to preset rules and values to 1) articulate a vision, 2) develop goals in multiple domains, 3) define objectives, 4) selection of strategies, and 5) identification of action items, ¶ 0020); wherein each of said drivers is modeled crudely by one or two decision keys (i.e., preset rules and drivers); initially including no constraints; using said simplified value model for beginning said strategy creation module and said strategy testing module, said strategy creation module and said strategy testing module indicating areas of said decision model where refinement adds particular value; and after interaction between said decision model and strategies is acceptable, iteratively adding details reflecting limitations of a business process (i.e., as new information is entered, the computer aided strategic planning program automatically updates the plan across domains, ¶ 0020).

As per claim 91, Gronau et al disclose a team creation component and a decision quality component (i.e., resources 8 based on constraints and enablers, figure 1)

As per claim 92, Gronau et al disclose providing a decision quality process for enabling an organization to systematically identify, understand, and track views of quality of decision making (i.e., computer aided strategic planning expert system uses knowledge and inference procedures to assist the user, including monitoring, control and instruction, ¶¶ 0054-0063).

As per claim 93, Gronau et al disclose providing any of six dimensions associated with any of six links in a decision quality chain, said any of six links comprising: appropriate frame; creative-feasible alternatives; meaningful-reliable information; clear values and tradeoffs; logically-correct reasoning; and commitment to action (i.e., development of action plan, ¶ 0069); wherein said chain supports an organization's value (i.e., definition of values applied to the planning, ¶ 0068).

As per claim 94, Gronau et al disclose framing a problem by: identifying issues; developing a decision hierarchy; understanding an organization's values; and brainstorming and clarifying alternatives (i.e., development of a profile to define values, priorities, policies and rules, ¶ 0068); further understanding said organization's values by: developing value metrics and prototyping metric results (i.e., development of a profile to define values, priorities, policies and rules, which are added to the factory established rules and axioms, ¶ 0068); and planning for data acquisition by: identifying intermediate variables; and developing a plan for assessment (i.e., diagnosis and prescription, ¶¶ 0054-63); wherein for clarification: optionally returning to said framing a problem step after said further understanding said organization's values step; and optionally returning to said further

understanding said organization's values step after said planning for data acquisition step (i.e., as new information is entered, the computer aided strategic planning program automatically updates the plan across domains, ¶ 0020).

As per claim 95, Gronau et al disclose developing data parameters, including: determining data elements; designing a performance period; determining data records; and constructing an initial data dictionary; determining transfer parameters, including: determining transfer format; and determining transfer method; preparing data, including: assembling transfer data; and transferring data; and loading data on a target system (i.e., embedded tools (16) resident in the program that include calculators, accessories, planners, questionnaires and links both to external tools (22) for export/import of data and to the internet for available information, ¶ 0070).

As per claim 96, Gronau et al disclose validating original data sets, comprising: investigating original data sets; and cleaning original data sets; creating analysis data sets, comprising; and transforming data; and computing additional variables; validating analysis data sets, comprising; transforming data; and computing additional variables; wherein while creating analysis data sets and problems are uncovered in original data sets, then original data sets are further cleaned and retransformed; and wherein while validating analysis data sets and problems in said transformation, or in original data sets, are uncovered, then such tasks are revisited (i.e., rules, policies, axioms, values, priorities 3 applied to data, figure 1).

As per claim 97, Gronau et al disclose first creating dependent variables useful for decision models, comprising: identifying concepts; triaging concepts; and defining

dependent variables; and creating independent variables useful for decision models, comprising identifying concepts; triaging concepts; and defining dependent variables; wherein intermediate variables depend on decision keys, other intermediate variables, or decisions; and wherein each intermediate variable encapsulates a predictive model with a dependent variable and independent variables (i.e., rules, policies, axioms, values, priorities 3 applied to data, figure 1).

As per claim 99, Gronau et al disclose conceptualizing by selecting intermediate variables that drive value; building coarse models of intermediate variables; and verifying constraints; and drawing a decision model structure; wherein said conceptualizing is iteratively available for use after said drawing (i.e., rules, policies, axioms, values, priorities 3 applied to data, figure 1).

As per claim 100, Gronau et al disclose modeling intermediate variables; filling in nodes with models, functions, and/or constants; and validating said decision model; wherein said modeling step is iteratively available from said filling in step, and wherein said filling in step is iteratively available from said validating said decision model step (i.e., rules, policies, axioms, values, priorities 3 applied to data, figure 1).

As per claim 101, Gronau et al disclose the step of providing a score tuner component for automating decision model updating and reporting (i.e., as new information is entered, the computer aided strategic planning program automatically updates the plan across domains, ¶ 0020, including measurement and assessment and reports generation, ¶¶ 0030-31), said score tuner component comprising any of: data awareness capability; triggering rules (i.e., preset rules and values); model

history retention; self-guided model development; connection to a decision engine; and execution and analytic audit trails; wherein when a tuning run is triggered, results are reviewed and either accepted and an update is deployed, or rejected (i.e., as new information is entered, the computer aided strategic planning program automatically updates the plan across domains, ¶ 0020, based upon the preset rules and axioms).

As per claim 102, Gronau et al disclose performing model optimization, comprising: identifying metric variables; determining optimization parameters; and running optimization; analyzing optimization results, comprising viewing optimization results; and performing sensitivity analysis on constraints; and developing strategies, comprising: building strategies; and refining strategies; wherein the performing model optimization step and the analyzing optimization results step are available to be used iteratively from either the analyzing optimization results step or the developing strategies step (i.e., measurement and assessment 15, figure 1).

As per claim 103, Gronau et al disclose providing a non-linear constrained optimization tool for improving test designs and optimizing strategies (i.e., computer aided strategic planning program, ¶ 0020).

As per claim 104, Gronau et al disclose testing strategies, comprising: performing strategy simulation; and performing field testing; evaluating strategies; and performing active data collection; wherein said testing strategies step is available for being used iteratively from said evaluating strategies step (i.e., measurement and assessment 15, figure 1).

Claims 105-107, 111-112, 114-124 and 126-131 are rejected based upon the same rationale as the rejections of claims 78-80, 84-85, 87-97 and 99-104, respectively, since they are the apparatus claims corresponding to the method claims.

Claim 132 is rejected based upon the same rationale as the rejection of claim 1, since it is the system claim corresponding to the method claim.

As per claim 133, Gronau et al disclose the team development module is configured to output the developed list comprising the components of the strategy modeling team and pass control to the strategy situation analysis module such that the developed list comprising the components is an input to the strategy analysis module (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress measurements continually encourage the user to stay on track and on target, ¶ 0052)

As per claim 134, Gronau et al disclose the strategy situation analysis module is configured to output, based on the designing and the execution of the logistics, a hierarchy of the decisions and pass control to the data request and reception module such that the hierarchy is an input to the data request and reception module (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress

measurements continually encourage the user to stay on track and on target, ¶ 0052).

As per claim 135, Gronau et al disclose the data request and reception module is configured to output, based on the designing and the execution of the logistics, a communication reporting a status of a request for the data and pass control to the data transformation and cleansing module such that the communication is an input to the data transformation and cleansing module (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress measurements continually encourage the user to stay on track and on target, ¶ 0052).

As per claim 136, Gronau et al disclose the data transformation and cleansing module is configured to output, based on the transforming of the data, a report on the data that is transformed into a form that is used to build quantitative models used to develop the strategies and pass control to the decision key and intermediate variable creation module such that the report on the transformed data is an input to the decision key and intermediate variable creation module (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress measurements continually encourage the user to stay on track and on target, ¶ 0052).

As per claim 137, Gronau et al disclose the decision key and intermediate variable creation module is configured to output, based on the computing of the intermediate variables, a list of the intermediate variables and pass control to the data exploration module such that the list of the intermediate variables is an input to the data exploration module (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress measurements continually encourage the user to stay on track and on target, ¶ 0052).

As per claim 138, Gronau et al disclose the data exploration module is configured to output, based on the determining of the effectiveness of each intermediate variable, a report regarding the usefulness of the decision keys for predicting the intermediate variables that are uncertain, and pass control to the decision model structuring module such that the report regarding the usefulness of the decision keys is an input to the decision model structuring module (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress measurements continually encourage the user to stay on track and on target, ¶ 0052).

As per claim 139, Gronau et al disclose the decision model structuring module is configured to output, based on the formalizing of the relationships between the one or more decisions, a report on the structure of the decision model and pass control

to the decision model quantification module such that the report on the structure of the decision model is an input to the decision model quantification module (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress measurements continually encourage the user to stay on track and on target, ¶ 0052).

As per claim 140, Gronau et al disclose the decision model quantification module is configured to output, based on the encoding of information, a report summarizing assumptions made during modeling using the decision model and pass control to the strategy creation module such that the report summarizing the assumptions is an input to the strategy creation module (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress measurements continually encourage the user to stay on track and on target, ¶ 0052).

As per claim 141, Gronau et al disclose the strategy creation module is configured to output, based on the determining of the strategies that can be tested by the client, a report on the strategies considered for the decision model; and pass control to the strategy testing module such that the report on the strategies is an input to the strategy testing module (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking

questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress measurements continually encourage the user to stay on track and on target, ¶ 0052).

As per claim 142, Gronau et al disclose the strategy testing module is configured to output, based on the testing of the strategies a report that compares the strategies considered for the decision model to select the best strategy out of the considered strategies such that the report comparing the strategies is an output of the plurality of sequential modules (i.e., computer assisted strategic planning application (CASP) automatically updates the plan across the domains, asking questions of the user and conveying impact information through its reporting function. A time-phased list of tasks and progress measurements continually encourage the user to stay on track and on target, ¶ 0052).

9. Claims 98 and 125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gronau et al (US 2003/0069869), in view of Sanders (USPN 6,411,936), in view of Zarb (US 2004/0039619), in further view of Zagotta et al (US 2002/0147626).

As per claim 98, neither Gronau et al nor Zarb disclose applying basic statistical analysis, comprising: analyzing continuous variables; and analyzing discrete variables; applying variable reduction techniques, comprising: applying human and business judgment; and applying computational methods; applying advanced statistical analysis; verifying results; and presenting said results. Zagotta et al disclose key measures 455 including facts and statistics related to the data and

strategy (§ 10056). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include applying basic statistical analysis in Gronau et al, as seen in Zagotta et al, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 125 is rejected based upon the same rationale as the rejection of claim 98, since it is the apparatus claim corresponding to the method claim.

Response to Arguments

10. In the Remarks, Applicant argues, with respect to claims 105 and 132, that Gronau et al fails to disclose each module of the plurality of modules occurring in a predetermined sequence of the plurality of modules such that each module occurs once in the predetermined sequence, wherein output of each module of the predetermined sequence is an input of a next module in the predetermined sequence until control is passed to a last sequential module in the predetermined sequence. The Examiner respectfully disagrees.

Independent claims 105 and 132 recite "each module of the plurality of modules occurring in a predetermined sequence of the plurality of modules such that each module occurs once in the predetermined sequence, wherein output of each module of the predetermined sequence is an input of a next module in the predetermined sequence until control is passed to a last sequential module in the predetermined

sequence, wherein each module of the predetermined sequence interacts with an expert task."

However, and contrary to Applicant's assertions, the claim language does not specify a specific sequence. In other words, according to the claim language, the modules can occur in any order as long as the sequence is predetermined.

Although Applicant references Figure 3 several times, it is simply an example of how the modules could be ordered. Simply put, the current claim language does not specify a module order.

Lastly, Gronau et al disclose a long range/strategic plan through the execution of a sequence of steps in a process, connected through a relational database and computerized expert system, wherein the process comprises the steps of identifying a vision in at least one domains, identifying goals and objectives that support the vision, developing action plans and resources required to implement such plans, and assessing consistency, pragmatism and alignment of actions, ¶ 0014 (emphasis added).

With respect to claim 78, it is first noted that Applicant's amendments to the claim have been deemed new matter, as seen in the 35 USC 112, first paragraph, rejection above. Moreover, claim 78 is a method claim having only two (2) steps (i.e., limitations), namely "providing a plurality of modules for the creation and evaluation of strategies, each strategy representing a set of rules specifying a course of action to take for a decision out of one or more decisions" and "executing the modules using at least one data processor forming part of a computer system."

Similarly, Gronau et al disclose providing a plurality of modules for the creation and evaluation of strategies (i.e., block diagram comprised of modules, figure 1), each strategy representing a set of rules specifying a course of action to take for a decision out of one or more decisions (i.e., a strategy for achieving each objective is developed and broken into activates or tasks and resource requirements, ¶ 0075), and executing the modules using at least one data processor forming part of a computer system (¶ 0014).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRE BOYCE whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Andre Boyce/
Primary Examiner, Art Unit 3623
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